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LETTER DATED 15 JULY 1992 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I wish to bring to your notice an exchange of correspondence regarding the situation in Haiti.

On 18 June, I received a letter from President Aristide dated 3 June, which I brought to the attention of the Secretary-General of the Organization of American States (OAS) since, you will recall, OAS has, at the request of the Foreign Ministers of its member States, taken a leading role in efforts to restore democracy to Haiti. My mandate under General Assembly resolution 46/7 is more limited and has as its general purpose to support the action of OAS.

The Secretary-General of OAS has now responded to my letter. I therefore take pleasure in enclosing copies of the relevant correspondence.

I would appreciate it if you could bring these letters to the attention of the members of the Security Council for their consideration. I want also to inform you that I have decided to accept the offer of the Secretary-General of OAS to include participation from the United Nations in his proposed mission to Haiti.

(Signed) Boutros BOUTROS-GHALI

Annex I

Letter dated 18 June 1992 from the Secretary-General addressed to the President of Haiti

[Original: French]

On my return from Rio de Janeiro I received your letter dated 3 June 1992 which reached me on 17 June 1992.

I assure you, Mr. President, that I am following with great attention the efforts you are making in order to restore democracy in Haiti with the support of the Organization of American States (OAS). As you are aware, the United Nations General Assembly, by resolution 46/7, gave me a mandate limited essentially to supporting the action of OAS. In those circumstances I ventured, in the spirit of the fullest cooperation and in order to avoid conflicting actions, to ask the Secretary-General, Baena Soares, for his opinion concerning the requests you made of me in your letter.

The High Commissioner for Refugees, Mrs. Ogata, was recently in contact with me in Rio de Janeiro and briefed me on her efforts with regard to the thousands of Haitians who are leaving their country. We are seeking means of alleviating the crisis they are facing.

I shall let you have my response to your requests when I have received those of the Secretary-General of OAS.

(Signed) Boutros BOUTROS-GHALI

Annex II

Letter dated 17 June 1992 from the Permanent Representative of Haiti to the United Nations addressed to the Secretary-General

[Original: French]

I have the honour to transmit to you the enclosed letter addressed to you by the Rev. Jean-Bertrand Aristide, President of the Republic of Haiti.

(Signed) Fritz LONGCHAMP
Ambassador
Permanent Representative

Enclosure

Letter dated 3 June 1992 from the President of Haiti addressed to the Secretary-General

[Original: French]

I noted with satisfaction at our recent meeting your concern about the political crisis which has beset my country since 30 September 1991.

The situation, which has already caused enormous suffering to the Haitian people and destroyed the emerging democratic institutions of the country, threatens to bring about the irreversible destabilization of the Haitian social order, thus seriously endangering peace and security in the region.

The Organization of American States which had been dealing with the question since the onset of the crisis, in accordance with Chapter VIII of the Charter of the United Nations, has not so far been able, despite its good intentions and tireless efforts, to restore democracy in Haiti. The decisions contained in resolutions MRE/RES.2/91 and MRE/RES.3/92 of the Ad Hoc Meeting of Ministers of Foreign Affairs of OAS in order to exert pressure on those who carried out the putsch have not achieved their intended objective because they have not been complied with by the international community as a whole.

It is today becoming increasingly evident that the United Nations, whose mission is to defend democratic institutions, also has a moral obligation to cooperate in efforts to reinstate the President who was elected under the first fair and democratic elections held in Haiti under the supervision of the world organization.

Accordingly, it is my earnest hope that the United Nations will assist the regional organization in achieving effective implementation of the above-mentioned resolutions, particularly compliance with the embargo and the dispatch to Haiti of a multidimensional mission.

I am very much aware of the need to inform OAS of the initiatives which may be taken by the United Nations in support of its efforts in this field. I shall instruct my Ambassador to OAS to contact the Secretary-General of that organization on this subject.

Furthermore, I fully appreciate that a commitment by the United Nations necessitates a clear mandate from the Security Council. My Government is actively working to achieve that objective.

In the interim, I think that the United Nations, in accordance with the Charter, should assume its responsibilities with regard to the continuing massive violations of human rights and the heart-rending drama of the Haitian refugees.

In that connection, I take the liberty of asking you to send to Haiti a personal representative responsible for inquiring into cases of violations of human rights and for determining the humanitarian needs of the population with a view to submitting an overall evaluation of the political situation. This would enable you to prepare the report envisaged in paragraph 6 of General Assembly resolution 46/7.

I also hope that a team of officials working in the field of human rights will be sent to Haiti and will remain there until there is a substantial improvement in the human rights situation.

With regard to the Haitian refugees, it is imperative that the Office of the United Nations High Commissioner for Refugees should make every effort to ensure full compliance with article 33 of the Convention relating to the Status of Refugees.

In that connection, I suggest that the Office of the High Commissioner for Refugees should seek an advisory opinion from the International Court of Justice on the legality of the "Executive Order" issued by the United States Administration with regard to those refugees.

I also wish to request that UNHCR should send a team to Haiti to ascertain the conditions under which the refugees are being returned and, if necessary, to extend humanitarian assistance to them.

Lastly, I propose that UNHCR should keep in constant contact with my Government in dealing with this problematical matter.

With the assistance of our organization and in conjunction with OAS we already have hopes of finding a definitive solution to this long-drawn-out crisis.

(Signed) Jean-Bertrand ARISTIDE

Annex III

Letter dated 19 June 1992 from the Secretary-General addressed to the Secretary-General of the Organization of American States

During our meeting in Rio de Janeiro on the occasion of the United Nations Conference on Environment and Development, we discussed cooperation between the United Nations and the Organization of American States regarding Haiti, having in mind our respective mandates.

In this connection, I wish to bring to your attention a letter dated 3 June 1992 from President Jean-Bertrand Aristide of Haiti, conveyed to me upon my return from Rio de Janeiro, which contains a number of requests addressed to the United Nations.

The Organization of American States (OAS) has, at the request of the Foreign Ministers of its member States, taken a leading role in efforts to restore democracy to Haiti. My mandate under General Assembly resolution 46/7 is more limited and has as its general purpose to support the action of OAS.

As concerns the humanitarian problem related from the flow of persons from Haiti, the United Nations High Commissioner for Refugees is actively engaged in efforts to bring relief. At her request, I have assisted her efforts.

Please be assured that, as I told you in Rio de Janeiro, I stand ready to assist in efforts to resolve the Haitian question and, specifically, would be prepared to participate in a joint mission such as that suggested by President Aristide in accordance with modalities to be worked out between the United Nations and the Organization of American States.

In the spirit of ensuring that any action to be undertaken by the United Nations is in conformity with the division of labour between the two organizations, therefore, I would very much appreciate receiving your views regarding President Aristide's requests, at your earliest convenience.

(Signed) Boutros BOUTROS-GHALI

Annex IV

Letter dated 10 July 1992 from the Secretary-General of the Organization of American States addressed to the Secretary-General

[Original: Spanish]

I have the pleasure to refer to your letter dated 19 June, which reached my office on 2 July, drawing my attention to the letter sent to you on 3 June by President Jean-Bertrand Aristide, and recalling our recent conversation in Rio de Janeiro concerning cooperation between the Organization of American States (OAS) and the United Nations with regard to Haiti, taking into account our respective mandates.

First, I should express my appreciation for your evident interest in promoting such cooperation, which I consider to be of the greatest significance.

I have taken note of your point of view, namely, that your mandate, in accordance with General Assembly resolution 46/7, is essentially to lend support to action by OAS, and I welcome your assurances of your readiness to assist in resolving the Haitian crisis.

You expressed an interest in my opinion of the requests made to you by President Aristide in his letter, of which you kindly transmitted a copy; accordingly, I should like to make the following observations frankly, without prejudice, of course, to the interest and respect which the views and ideas of the legitimate President of Haiti deserve.

Reference is made in your letter to Chapter VIII of the Charter of the United Nations as a basis for OAS action in response to the political crisis in Haiti. In fact, my Organization's mandate derives from its own Charter and also, in this case, from the Ad Hoc Meeting of Ministers for Foreign Affairs, convened pursuant to our General Assembly resolution 1080/91 for the purpose of considering the situation created in Haiti.

That resolution constitutes, in my view, a clear advance for democracy in the American hemisphere. It begins from the premise that a disruption of the democratic process in one country of this hemisphere affects the entire region. What is involved is a situation of this region's own making, which is therefore hardly applicable to other situations of regional or universal scope, the defining characteristics of which are necessarily different.

His Excellency Mr. Boutros Boutros-Ghali
Secretary-General of the United Nations
New York

The present crisis in Haiti is of an internal nature; it is a disruption of the democratic process recently initiated in that country and, accordingly, calls for joint action, in accordance with the commitments by which the American countries are bound.

The American aspirations to live in democracy are not new. Since the establishment of OAS, the region has held the conviction that democracy is the system under which the peoples of the hemisphere wish to live.

Thus, the OAS Charter contains several references in support of democratic institutions. Article 2 lists as one of the basic purposes of the Organization "to promote and consolidate representative democracy in the context of respect for the principle of non-intervention". Furthermore, article 5 reaffirms the principle that "the solidarity of the American States and the high aims which are sought through it, require the political organization of those States on the basis of the effective exercise of representative democracy".

Resolution 1080/91 of the OAS General Assembly established a mechanism to operate "in case of events which provoke an abrupt or irregular disruption of the democratic and constitutional political process or of the legitimate exercise of authority by a democratically elected Government in any of the States members of the Organization". The resolution entrusts the adoption of decisions deemed appropriate to the Ad Hoc Meeting of Ministers for Foreign Affairs or to a special session of the General Assembly.

The community of American nations, organized in OAS, has therefore characteristics that are peculiar to it, one of the main such characteristics being that relating to the promotion and consolidation of democracy. This has been reflected in regional legal instruments and is, in my view, one of the most valuable contributions which the region has made to the development of international law, it being understood that no claim is being made that these distinctive features are universally applicable.

The action taken by OAS with respect to Haiti, beginning with the decisions of the Ad Hoc Meeting of Ministers of Foreign Affairs, is in keeping with the tradition and the legal foundations of the regional system of the Americas.

Mention should be made of the intense effort which this Organization has mounted with respect to the crisis in Haiti. In addition to the three ad hoc meetings of Ministers of Foreign Affairs, the Permanent Council has held seven extraordinary sessions and eight regular sessions, during which the Haitian problem was exhaustively discussed. Even though these activities have been widely reported in the media, both on this continent and around the world, I should like to draw attention to the missions carried out in Haiti by a group of Foreign Ministers from the Americas together with the Secretary-General, and the negotiations that I have been conducting through my personal representative, which culminated in February of this year in the signing at

OAS headquarters of a protocol agreed upon by Haitian political representatives with President Aristide for bringing about a constitutional settlement to the crisis.

With regard to the measures taken by OAS, which recommend that States suspend economic, financial and trade ties with Haiti, with the exception of humanitarian assistance, I hope that renewed and growing support will be forthcoming from the States Members of the United Nations, in accordance with General Assembly resolution 46/7.

In the area of human rights in Haiti, the Inter-American Commission on Human Rights, in pursuance of resolution 1/91 of the Ad Hoc Meeting of Ministers of Foreign Affairs, took steps, within its sphere of competence, to protect and safeguard human rights in Haiti and submitted a report on this subject to the Permanent Council. I am, of course, looking forward with great interest to learning your views on possible ways of increasing the cooperation which exists between our organizations in this important area. As an example of this, I might mention that the current Chairman of the Inter-American Commission on Human Rights also submitted a report on the situation in Haiti to the United Nations Commission on Human Rights in his capacity as an independent expert.

With regard to the issue of Haitian refugees, which was also mentioned by President Aristide in his letter, there is a tradition of cooperation between OAS and the Office of the United Nations High Commissioner for Refugees (UNHCR). UNHCR officials have maintained contacts with my colleagues in the General Secretariat and a meeting was held at OAS headquarters at the end of last year, chaired by the head of the UNHCR Regional Bureau for Latin America. The meeting dealt in depth with the question of Haitian refugees. As regards this problem, too, I would be interested in learning your views on the possibility of strengthening our common efforts to achieve a satisfactory solution.

In my letters to your predecessor dated 1 and 8 October 1991, and in the letters I addressed to you on 27 February, 27 March and 28 May 1992, I referred to various aspects of cooperation between our two organizations on the question of Haiti. In addition, as you are aware, coordination meetings dealing with this question have been held at United Nations Headquarters with the participation of UNDP officials and officials from the OAS General Secretariat.

Lastly, as a further initiative in the pursuit of a solution to the serious political and institutional crisis in Haiti, I am organizing another mission to the country, which I shall personally head. To that end, I will be dispatching a preparatory mission to Port-au-Prince in the next few days in order to make contact with all sectors of Haitian society.

During my visit to Haiti, I hope I can count on the participation of other international agencies and, in particular, those of the United Nations. I shall be writing to you in due course to make practical arrangements for this purpose.

I share your readiness to foster cooperation between our two organizations and, for my part, pledge anew my best efforts to make progress in this area. The strengthening of such cooperation will be of the utmost importance for the achievement of our common aim.

I am particularly grateful to you, Sir, for the assurances which you have given me to the effect that any action which the United Nations may take will be consistent with the division of labour between our two organizations. In this spirit, I am confident that we can engage in effective and constructive cooperation.

Accept, Sir, the renewed assurances of my highest consideration and personal esteem.

With best wishes.

(Signed) João Clemente BAENA SOARES